

AMENDMENT UNDER 37 C.F.R. § 1.116  
Appl. No. 09/883,391  
Docket No. Q64978

**REMARKS**

Claims 1-20 are all the claims pending in the application. Claim 1 is the only independent claim.

Claim 1 has been amended to recite that the micro-controller has a means for providing overheat protection that includes a motor current limit value calculating section and a motor current limit section. In addition, the dependency of dependent claims 6-8 has been amended.

**Allowable Subject Matter**

Applicants note with appreciation that claims 9 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants, however, hold in abeyance the rewriting of these claims until the Examiner has had a chance to consider the remarks below with respect to independent claim 1.

**Claim Rejections Under 35 U.S.C. § 102 and §103**

Claims 1-3 and 11-20 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Iwashita (US 5,467,001). Claims 4-8 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Iwashita in view of Mori, JP 06-225573 ("JP '573).

With respect to amended independent claim 1, Applicants respectfully request the Examiner to withdraw the rejection at least because Iwashita does not teach or suggest all of the claim recitations. For example, Iwashita does not teach or suggest the claimed motor control device having a micro-controller with *a means for providing overheat protection* that includes a motor current limit value calculating section and a motor current limit section.

AMENDMENT UNDER 37 C.F.R. § 1.116  
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In contrast to the claimed invention, Iwashita does not disclose that the method provides overheat protection. Instead, Iwashita merely discloses a control method in which the torque command is limited in accordance with a limit value.

As such, Applicants respectfully request the Examiner to withdraw the rejection of independent claim 1 at least for the reasons discussed above. In addition, Applicants respectfully request the Examiner to withdraw the rejections of dependent claims 1-3 and 11-20 at least because of their dependency from claim 1. Furthermore, Applicants respectfully request the Examiner to withdraw the rejections of dependent claims 4-8 at least because of their dependency from claim 1 and because Mori, which was cited by the Examiner in an attempt to show limiting of d and q axial current by vector synthesizing, does not make up for the deficiencies in Iwashita discussed above.

#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
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Docket No. Q64978

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

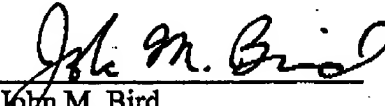
Respectfully submitted,

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**23373**

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Date: March 5, 2004

**CERTIFICATION OF FACSIMILE TRANSMISSION**

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Tyrone W. SMITH at the Patent and Trademark Office on March 5, 2004 at (703) 872-9306.

Respectfully submitted,

  
John M. Bird